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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,280

08/27/2003

Akira Mizuta

Q76402

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23373 7590 03/30/2007  
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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



## Office Action Summary

**Application No.**

10/648,280

**Applicant(s)**

MIZUTA, AKIRA

**Examiner**

Patricia L. Nordmeyer

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,10,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,10,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Withdrawn Rejections***

1. The 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection of claims 1, 10 and 11 in the office action dated November 9, 2006 is withdrawn due to Applicant's amendments in the response dated February 9, 2007.
2. The 35 U.S.C. 103(a) rejection of claims 1, 10 and 11 over Shigetomi et al. (USPN 6,287,661) in view of JP 2000-67468 in the office action dated November 9, 2006 is withdrawn due to Applicant's amendments in the response dated February 9, 2007.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10, 11 and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigetomi et al. (USPN 6,287,661) in view of JP 2000-67468.

For the purposes of examination, the Examiner is viewing the structure of the cover sheet package to be a thin film cover sheet that is has a protective sheet on one surface and is adhered to a recording surface of an optical disk on the other surface.



Shigetomi et al. disclose a cover sheet package (Column 1, line 6) comprising a thin film cover sheet including a resin film (Column 2, lines 22 – 29), the thin film cover sheet having an adhesive film formed on one side surface of the resin film (Column 2, lines 62 – 65), and which is adhered via the adhesive film to a recording surface a disk substrate of an optical disc (Column 1, lines 6 – 7); a peeling sheet which is peelably adhered on a surface of the adhesive film of the cover sheet and which is peeled before the cover sheet is adhered to the recording surface of the disk substrate (Column 3, lines 51 – 57); and a protective sheet which is peelably adhered on a surface of the resin film of the cover sheet (Column 2, lines 55 – 57) as in claims 1 and 13. The peeling material includes a silicone coated on the attaching surface of the peeling sheet (Column 3, lines 66 – 67), and the adhesive material includes a vinyl acetate coated on an attaching surface of the protective sheet (Column 3, lines 15 – 17) as in claims 10, 11, 14 and 15. With regard to claims 1 and 13, the cover sheet, the resin film and adhesive film, has a total thickness that ranges from 13 micrometers to 300 micrometers (Column 2, lines 43 – 45; Column 3, lines 46 – 48). However, Shigetomi et al. fails to disclose the thin film cover sheet being adhered via the adhesive film to a recording surface of a disk substrate.

JP 2000-67468 teaches a film adhered to the recording surface of a optical disk via an adhesive film (Abstract, lines 5 – 6) for the purpose of obtaining an optical disk that is capable of dealing with the shortening of a laser wavelength (Abstract, lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the film adhered to the recording surface of an optical disk



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in Shigetomi et al. in order to obtain an optical disk that is capable of dealing with the shortening of a laser wavelength as taught by JP 2000-67468.

With regard to the limitations of “when an adhesive force for adhering the peeling sheet to the adhesive film of the cover sheet is indicated by  $AP_1$  and an adhesive force for adhering the protective sheet to the resin film of the cover sheet is indicated by  $AP_2$ , the peeling sheet is adhered to the adhesive film of the cover sheet and the protective sheet is adhered to the resin film of the cover sheet so that the relationship  $AP_1$  less than or equal to  $AP_2$  is satisfied by the release coating that is formed on the liner material and the adhesive force  $AP_1$  is set to be a value selected from a range of 5 to 50 g/cm and the adhesive force is set to be a value selected from a range of  $(AP_1 * 1.0)$  to  $(AP_1 * 3.0)$ ” in claim 1, since the Examiner has taken the position that the peeling sheet has been removed, these limitations are no longer relative to the claimed subject matter as  $AP_1$  has no value. Also, it is conventional practice to remove the peeling sheet from the adhesive layer of the laminate in order to adhere the laminate to a surface.

In response to Applicant's limitation of “wherein the cover sheet is configured to be adhered via the adhesive film to a recording surface of a disk substrate of an optical disk” and “wherein the cover sheet is configured to be adhered via the adhesive film to a recording surface of a disk substrate of an optical disk in a manner such that information recorded on the optical disk can be read” in claims 1 and 13, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to



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patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 10, 11 and 13 – 15 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's argument with regard to both Shigetomi and JP '468 fail to disclose the relationship with regard to be adhesive forces of the peeling sheet and protective sheet, since the Examiner has taken the position that the peeling sheet has been removed, these limitations are no longer relative to the claimed subject matter as AP<sub>1</sub> has no value. Also, it is conventional practice to remove the peeling sheet from the adhesive layer, as the peeling sheet is there to protect the adhesive material, of the laminate in order to adhere the laminate to a surface; therefore, making AP<sub>1</sub> less than or equal to AP<sub>2</sub>.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., removal of the peeling sheet very quickly) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



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***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

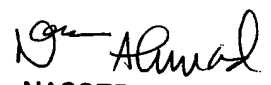


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

  
pln

  
NASSER AHMAD 3/28/07  
PRIMARY EXAMINER